

Appl. No. 10/792,351
Atty. Docket No. 9567
Amdt. dated 13 March, 2006
Reply to Office Action of December 12, 2005
Customer No. 27752

Amendments to the Drawings:

The attached 14 sheets of drawings includes Fig. 1-14, and replaces the original 14 sheets of drawings including Fig. 1-14.

Attachment:

Replacement Sheets

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REMARKS

Claim Status

Claims 1-14 are pending in the present application. No additional claims fee is believed to be due.

Drawings/Specification

The Drawings were objected to for failing to comply with 37 C.F.R. §1.84(p)(4) because reference character "22" had been used to designate both a tampon holder tube and a fluid permeable bag. In response, Applicants have amended the Specification on page 16 to change the drawing reference number for fluid permeable bag from "22" to "20". Support for this amendment is on Page 16, Second Paragraph of the Specification.

Double Patenting

Claims 1-14 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 10/791,976.

Applicants are willing to file a terminal disclaimer to obviate a provisional double patenting rejection upon allowance of patentable subject matter if still required.

Rejection Under 35 U.S.C. §102 Over Kokx et al. (U.S. 3,706,311)

Claims 1-14 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kokx et al.

With respect to the novelty of claims 1-14: Applicants respectfully traverse the rejection as Kokx et al. fails to disclose or teach a tampon and a tampon applicator in combination for expulsion of the tampon into a vaginal cavity of a female user wherein the tampon applicator comprises a tampon holder tube and a plunger, the tampon holder

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tube comprises a hollow interior portion, an interior surface, an exterior surface, a longitudinal axis, an outer perimeter, a first end dimensioned for insertion into the vaginal cavity, a second end positioned oppositely to the first end, an end expulsion force increaser positioned at the first end of the tampon holder tube, comprising at least one side expulsion member positioned at the first end of the tampon holder tube, the tampon comprising a fluid permeable bag and absorbent material loosely dispersed within said permeable bag, said tampon being housed within said hollow interior portion of said tampon holder tube in a pre-expelled position.

Kokx et al. discloses a tampon that spreads upon release from the outer tube independent of contact by body fluids. The tampon 11 spreads because it contains a spreading means which preferably comprises a single leaf flat spring 13 which acts as the mechanical spreader in the tampon of the invention. (Col. 5, Lines 40-43) The outer tube 15 and tip 18 of Kokx et al. do not produce the lateral expansion of the tampon as the end expulsion member and side expulsion member of the present invention do, as stated on Page 5, Paragraph 6 of the Specification, "The combination of the end expulsion force increasers 30, the force increaser sections 34, the side expulsion members 31, and the side expulsion zones 35 is configured to laterally expand the tampon 20 during expulsion of the tampon 20 from the tampon applicator 21." Rather, the expansion of the tampon of Kokx et al. is produced by a mechanical means within the tampon itself, not the tampon holder tube as in the present invention.

Accordingly, the Applicants respectfully submit that independent claims 1, 11 and 14 and dependent claims 2-10, 12 and 13 are novel over Kokx et al. and the rejection should be withdrawn.

Conclusion


In light of the above remarks, it is requested that the Examiner reconsider and withdraw the objection to the drawings and the rejection under 35 U.S.C. §102. Early and favorable action in the case is respectfully requested.

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In view of the foregoing, reconsideration of this application and allowance of Claims 1-14 is respectfully requested.

Respectfully submitted,

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By 
Signature

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